

James M. Finberg (SBN 114850)  
ALTSHULER BERZON LLP  
177 Post Street, Suite 300  
San Francisco, CA 94108  
Telephone: (415) 421-7151  
Facsimile: (415) 362-8064

*Additional Monitoring Counsel listed on signature page*

Jeana M. Littrell  
Frederick L. Douglas  
FEDERAL EXPRESS CORPORATION  
3620 Hacks Cross Road, Bldg. B, 3<sup>rd</sup> Floor  
Memphis, TN 38125-8800  
Telephone: (901) 434-8519  
Facsimile: (901) 434-9271

*Attorneys for the Defendant*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DERRICK SATCHELL, *et al.*,

Plaintiffs,

v.

FEDEX EXPRESS, a Delaware Corporation,

Defendant.

PATRICIA CALDWELL, *et al.*

Plaintiffs,

v.

FEDEX EXPRESS, a Delaware Corporation,

Defendant.

Case Nos.: C03-2659 SI; C 03-2878 SI

CLASS ACTION

**STIPULATION AND [PROPOSED] ORDER  
RE: UNTIMELY CLAIMS**

1 WHEREAS, the Court granted final approval to the settlement of this action, and  
2 approved the Consent Decree, on August 15, 2007;

3 WHEREAS, Section IX.D of the Consent Decree provides that Monitoring Counsel and  
4 FedEx Express may jointly agree to modify the Decree in writing signed by both Monitoring  
5 Counsel and FedEx Express;

6 WHEREAS, Section XXII.F of the Consent Decree provides that class members who seek  
7 recovery of monetary compensation must complete a claim form and file it with the Claims  
8 Administrator by the date set forth in the Preliminary Approval Order, which was August 1, 2007;

9 WHEREAS, Section XXII.I of the Consent Decree provides that class members who  
10 submit untimely claim forms are not eligible for any monetary award;

11 WHEREAS, Section XXII.I of the Consent Decree, regarding Late-Filed Claims, does not  
12 make any exception for claims that are late filed with good cause shown;

13 WHEREAS, the Parties agree that in certain extenuating circumstances, for good cause  
14 shown, it would be beneficial to allow class members to file untimely claims;

15 WHEREAS, the Claims Administrator has informed the Parties that, in order to meet the  
16 deadline set forth in Section XXII.J of the Consent Decree, which requires the Claims  
17 Administrator to send written notice of ineligibility for monetary relief to all ineligible claimants  
18 within ninety days of the close of claims filing period, untimely claims cannot be accepted after  
19 October 1, 2007;

20 WHEREAS, the Claims Administrator has received, through October 1, 2007, 263  
21 untimely claims, of which 31 untimely claimants provided some explanation for their lateness;

22 WHEREAS, the Parties have reviewed the untimely claims, and determined that there is  
23 good cause shown for accepting the untimely claims of the following class members:

24 (1) Keith I. Shockley, who was serving in the United States Navy in Afghanistan and  
25 therefore did not receive the claim form until after the claims filing deadline;

26 (2) Robert E. Montgomery, who was serving in the United States Army in Korea, and did  
27 not return to the United States until July 30, 2007, and therefore did not receive and review his  
28 mail and find the claim form until August 3, 2007, after the claims filing deadline;

(3) Noel Perez, who received the claim form after the claims filing deadline due to misdelivery by the United States Postal Service;

(4) Donn E. Desboine, who received the claim form after the claims filing deadline due to delay in forwarding by the United States Postal Service;

(5) Shentel T. Persons, who received the claim form after the claims filing deadline because it was originally sent to an outdated or incorrect address and returned undeliverable;

(6) Victor M. Cespedes, who received the claim form after the claims filing deadline because it was originally sent to an outdated or incorrect address and returned undeliverable;

(7) Stanley E. Barnett, who received the claim form after the claims filing deadline because it was originally sent to an outdated or incorrect address and returned undeliverable;

(8) Andre L. Lewis, who received the claim form after the claims filing deadline because it was originally sent to an outdated or incorrect address and returned undeliverable;

(9) Betty Muruato, who returned a claim form in July that was not received by the Claims Administrator;

THEREFORE, Monitoring Counsel and FedEx Express, hereby stipulate to modify the Consent Decree as follows, and request that the Court so order:

Section XXII.I of the Consent Decree is hereby modified by adding the following sentence: "Late claims post-marked after August 1, 2007, but received by the Claims Administrator on or before October 1, 2007, will be eligible for payment despite having been filed after the claims filing deadline, provided that FedEx and Monitoring Counsel concur that the claimant has demonstrated good cause for the untimely filing;"

THEREFORE, Monitoring Counsel and FedEx Express, hereby stipulate and agree that good cause has been shown for the late-filing of the following claims, and that those claims should be accepted by the Claims Administrator:

(1) Keith I. Shockley

(2) Robert E. Montgomery

(3) Noel Perez

(4) Donn E. Desboine

- (5) Shentel T. Persons
- (6) Victor M. Cespedes
- (7) Stanley E. Barnett
- (8) Andre L. Lewis
- (9) Betty Muruato.

Dated: October 10, 2007

By: /s/ James M. Finberg  
James M. Finberg

James M. Finberg (SBN 114850)  
ALTSHULER BERZON LLP  
177 Post Street, Suite 300  
San Francisco, CA 94108  
Telephone: (415) 421-7151  
Facsimile: (415) 362-8064

Guy B. Wallace (SBN 176151)  
SCHNEIDER & WALLACE  
180 Montgomery Street, Suite 2000  
San Francisco, CA 94104  
Telephone: (415) 421-7100  
Facsimile: (415) 421-7105

John L. Burris (SBN 69888)  
LAW OFFICES OF JOHN L. BURRIS  
7677 Oakport Street, Suite 1120  
Oakland, CA 94612  
Telephone: (510) 839-5200 ext. 67  
Facsimile: (510) 839-3882

Barry Goldstein (SBN 141868)  
GOLDSTEIN, DEMCHAK, BALLER,  
BORGAN & DARDARIAN  
300 Lakeside Drive, Suite 1000  
Oakland, CA 94612  
Telephone: (510) 763-9800  
Facsimile: (510) 835-1417

*Monitoring Counsel*

Dated: October 10, 2007

By: /s/ Frederick L. Douglas  
Frederick L. Douglas

Jeana M. Littrell  
Frederick L. Douglas  
FEDERAL EXPRESS CORPORATION  
3620 Hacks Cross Road, Bldg. B, 3<sup>rd</sup> Floor  
Memphis, TN 38125-8800  
Telephone: (901) 434-8519  
Facsimile: (901) 434-9271

*Attorneys for the Defendant*

**ORDER**

The Court having considered the foregoing stipulation, and good cause appearing  
therefore,

IT IS SO ORDERED.

Dated: \_\_\_\_\_



\_\_\_\_\_  
The Hon. Susan Illston  
United States District Judge